

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
NORTHERN DIVISION  
(at Covington)

IN RE: DARVOCET, DARVON AND  
PROPOXYPHENE PRODUCTS  
LIABILITY LITIGATION

*Schiller v. Eli Lilly, et al.*

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)  
) Master File No. 2: 11-md-2226-DCR  
) MDL Docket No. 2226  
)

) Civil Action No. 2: 12-247-DCR  
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) **ORDER**  
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A status conference was held in this action on July 28, 2015. Based on information provided during and in advance of the status conference, the Court directed the parties to file a Notice of Settlement within 30 days if they were able to finalize a settlement of all claims during that period. However, if they failed to do so, Plaintiff Schiller was given 15 days thereafter to show cause why the case should not be dismissed for failure to prosecute. [Record No. 62]

Shortly after the scheduling conference, the Court received correspondence from Plaintiff Judy Schiller regarding this matter. Through this letter, Plaintiff Schiller complains generally about her health, her inability to travel to Court-scheduled hearings, and the impact that the litigation is having upon her health. With regard to her last complaint, the Court notes that Schiller – not the defendant and not the defendant’s attorneys – filed this civil action. As a plaintiff, Schiller has an obligation to cooperate and move the case forward to completion. But as of this date, there is no indication in the record that she has fulfilled either obligation.

Based on the foregoing, the Court will again review this matter at the conclusion of the thirty-day period given to the parties to conclude settlement negotiations (that is, no later than **August 28, 2015**). If the Court does not receive a Notice of Settlement by this deadline, the plaintiff will have until **September 14, 2015**, to demonstrate why this civil action should not be dismissed for failure to prosecute. And if settlement is not concluded, the Court expects the plaintiff to outline what steps she intends to take to prosecute the claims she has asserted in this litigation, rather than complain about the actions taken by counsel for the defendant in efforts to settle the case.

Being sufficiently advised, it is hereby

**ORDERED** the Clerk of the Court is **DIRECTED** to file the letter from Plaintiff Judy Schiller, postmarked August 1, 2015, in the record of this proceeding.

This 24<sup>th</sup> day of August, 2015.



**Signed By:**

**Danny C. Reeves** DCR

**United States District Judge**